

---

HOUSE BILL 2101

---

State of Washington

53rd Legislature

1993 Regular Session

By Representative R. Meyers

Read first time 03/09/93. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to public employee collective bargaining; amending  
2 RCW 41.56.460; and reenacting and amending RCW 41.56.030.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 41.56.030 and 1992 c 36 s 2 and 1991 c 363 s 119 are  
5 each reenacted and amended to read as follows:

6 As used in this chapter:

7 (1) "Public employer" means any officer, board, commission,  
8 council, or other person or body acting on behalf of any public body  
9 governed by this chapter as designated by RCW 41.56.020, or any  
10 subdivision of such public body. For the purposes of this section, the  
11 public employer of district court or superior court employees for wage-  
12 related matters is the respective county legislative authority, or  
13 person or body acting on behalf of the legislative authority, and the  
14 public employer for nonwage-related matters is the judge or judge's  
15 designee of the respective district court or superior court.

16 (2) "Public employee" means any employee of a public employer  
17 except any person (a) elected by popular vote, or (b) appointed to  
18 office pursuant to statute, ordinance or resolution for a specified  
19 term of office by the executive head or body of the public employer, or

1 (c) whose duties as deputy, administrative assistant or secretary  
2 necessarily imply a confidential relationship to the executive head or  
3 body of the applicable bargaining unit, or any person elected by  
4 popular vote or appointed to office pursuant to statute, ordinance or  
5 resolution for a specified term of office by the executive head or body  
6 of the public employer, or (d) who is a personal assistant to a  
7 district court judge, superior court judge, or court commissioner. For  
8 the purpose of (d) of this subsection, no more than one assistant for  
9 each judge or commissioner may be excluded from a bargaining unit.

10 (3) "Bargaining representative" means any lawful organization which  
11 has as one of its primary purposes the representation of employees in  
12 their employment relations with employers.

13 (4) "Collective bargaining" means the performance of the mutual  
14 obligations of the public employer and the exclusive bargaining  
15 representative to meet at reasonable times, to confer and negotiate in  
16 good faith, and to execute a written agreement with respect to  
17 grievance procedures and collective negotiations on personnel matters,  
18 including wages, hours and working conditions, which may be peculiar to  
19 an appropriate bargaining unit of such public employer, except that by  
20 such obligation neither party shall be compelled to agree to a proposal  
21 or be required to make a concession unless otherwise provided in this  
22 chapter. In the case of the Washington state patrol, "collective  
23 bargaining" shall not include wages and wage-related matters.

24 (5) "Commission" means the public employment relations commission.

25 (6) "Executive director" means the executive director of the  
26 commission.

27 (7) "Uniformed personnel" means: (a) Law enforcement officers as  
28 defined in RCW 41.26.030 ((as now or hereafter amended,)) of cities  
29 with a population of fifteen thousand or more or law enforcement  
30 officers employed by the governing body of any county with a population  
31 of seventy thousand or more((, or)); (b) fire fighters as that term is  
32 defined in RCW 41.26.030((, as now or hereafter amended)); or (c)  
33 correctional employees who are uniformed and nonuniformed, commissioned  
34 and noncommissioned security personnel employed in a juvenile detention  
35 facility established under chapter 13.16 RCW, or in a jail as defined  
36 in RCW 70.48.020(5), and who are trained for and charged with the  
37 responsibility of controlling and maintaining custody of inmates in the  
38 facility or jail and safeguarding inmates from other inmates.

1       **Sec. 2.** RCW 41.56.460 and 1988 c 110 s 1 are each amended to read  
2 as follows:

3       In making its determination, the panel shall be mindful of the  
4 legislative purpose enumerated in RCW 41.56.430 and as additional  
5 standards or guidelines to aid it in reaching a decision, it shall take  
6 into consideration the following factors:

7       (a) The constitutional and statutory authority of the employer;

8       (b) Stipulations of the parties;

9       (c)(i) For employees listed in RCW 41.56.030(7) (a) and (c) and  
10 41.56.495, comparison of the wages, hours and conditions of employment  
11 of personnel involved in the proceedings with the wages, hours, and  
12 conditions of employment of like personnel of like employers of similar  
13 size on the west coast of the United States;

14       (ii) For employees listed in RCW 41.56.030(7)(b), comparison of the  
15 wages, hours, and conditions of employment of personnel involved in the  
16 proceedings with the wages, hours, and conditions of employment of like  
17 personnel of public fire departments of similar size on the west coast  
18 of the United States. However, when an adequate number of comparable  
19 employers exists within the state of Washington, other west coast  
20 employers shall not be considered;

21       (d) The average consumer prices for goods and services, commonly  
22 known as the cost of living;

23       (e) Changes in any of the foregoing circumstances during the  
24 pendency of the proceedings; and

25       (f) Such other factors, not confined to the foregoing, which are  
26 normally or traditionally taken into consideration in the determination  
27 of wages, hours and conditions of employment.

--- END ---